



FILED

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Beverly L. Smith

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of the supreme court,
court of appeals and
tax court

BAILEY, Judge

Case Summary

Appellant-Defendant Michael Johnson (“Johnson”) appeals his conviction of Battery as a Class B misdemeanor. We affirm.¹

Issue

Johnson presents the sole issue of whether there is sufficient evidence to support his conviction.

Facts and Procedural History

On January 14, 2008, Johnson and his wife Dollie Johnson (“Dollie”) got into an argument after Dollie stayed out all night. In the course of the argument, Johnson pulled Dollie’s head toward him. When police officers arrived, Dollie reported to them that she had a headache. Johnson was arrested.

The State charged Johnson with Battery as a Class A misdemeanor. At the conclusion of a bench trial, Johnson was convicted of Battery as a Class B misdemeanor. Johnson was sentenced to 180 days imprisonment, with 172 days suspended to probation. He now appeals.

Discussion and Decision

In order to convict Johnson of Battery as a Class B misdemeanor, the State was required to prove that he knowingly or intentionally touched Dollie in a rude, insolent, or angry manner. See Ind. Code § 35-42-2-1. Any touching, however slight, may constitute battery. Mathis v. State, 859 N.E.2d 1275, 1280 (Ind. Ct. App. 2007).

¹ Ind. Code § 35-42-2-1.

In a trial before the bench, the court is responsible for weighing the evidence and judging the credibility of witnesses as the trier of fact, and we do not interfere with this function on appeal. O’Neal v. State, 716 N.E.2d 82, 87 (Ind. Ct. App. 1999), trans. denied. In reviewing a claim of insufficient evidence, we look only to the evidence most favorable to the judgment and all reasonable inferences that support the judgment. Hubbard v. State, 719 N.E.2d 1219, 1220 (Ind. 1999). We must affirm a conviction if the factfinder heard evidence of probative value from which it could have inferred the defendant’s guilt beyond a reasonable doubt. Graham v. State, 713 N.E.2d 309, 311 (Ind. Ct. App. 1999), trans. denied.

Dollie testified that Johnson pulled her head toward him. She explained: “I turned that way as he was trying to pull me this way.” (Tr. 10.) She testified further that Johnson was “mad” when he did so. (Tr. 10.) Accordingly, there is evidence from which the factfinder could conclude that Johnson knowingly or intentionally touched Dollie in an angry manner. His conviction for Battery as a Class B misdemeanor is supported by sufficient evidence.

Affirmed.

RILEY, J., and BRADFORD, J., concur.